

Attorney Docket No.: FMCE-P073

Duncan, applicant concedes that this portion of the wellhead 11 does appear to be a recessed surface against which the seal 29 engages.

Nevertheless, applicant maintains that the present rejection is improper since no motivation exists in the prior art to combine Duncan and Rogen in the manner suggested by the Examiner. In the present Office Action, the Examiner states that the motivation for combining Rogen with Duncan arises from the need to provide a reusable and recoverable seal. However, Duncan's seal 29 is already recoverable (see column 6, lines 1-29). Moreover, although Rogen's packer seal 27 is likewise recoverable, he does not appear to be concerned with reusing this seal since two of the methods he discloses for removing the packer appear to destroy the seal (see column 4, lines 8-24). Therefore, the person of ordinary skill in the art seeking to improve Duncan's seal by making it reusable would not be inclined to follow the teachings of Rogen.

Therefore, claims 1, 3, 7-9, 14, 15, 18 and 20-27 are patentable under 35 U.S.C. 103(a) over Duncan and Rogen.

Claims 1, 3, 4, 7-9, 14-18, 20-22 and 24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over McCrone (U.S. Patent No. 4,658,847) in view of Rogen. However, this combination fails to teach or suggest the invention recited in independent claims 1 and 21.

Contrary to the Examiner's assertion, McCrone does not disclose a bore which has an undercut or recessed sealing surface. In this regard, the Examiner states that McCrone's element 38 is an undercut recess in a bore.

Attorney Docket No.: FMCE-P073

However, this element is actually a groove which is formed in the frame 26 of a military tank (see column 3, lines 22-24).

Therefore, even assuming *arguendo* that the combination of Rogen and McCrone is proper, such a combination would not render independent claims 1 and 21 obvious under 35 U.S.C. 103(a). Furthermore, since claims 3, 4, 7-9, 14-18, 20, 22 and 24 depend from claims 1 and 21, these claims are also patentable over Duncan and Rogen for the reasons stated above.

In light of the foregoing, claims 1, 3, 4, 7-9, 14-18 and 20-27 are submitted as allowable. Favorable action is solicited.

Respectfully submitted,



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